

RESOLUTION NO. 09-326

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON
ADOPTING A POLICY FOR THE DISTRIBUTION OF EVENT TICKETS**

WHEREAS, the California Fair Political Practices Commission has adopted a regulation regarding the distribution to public officials of event tickets or passes that allow admission to facilities, events, shows or performances for entertainment, amusement, recreation or similar purposes at Title 2 California Code of Regulations §18944.1; and

WHEREAS, the City of Pleasanton's *Policy for the Distribution of Event Tickets* sets forth the public purposes for which such event tickets may be used, how they may be distributed and how they must be reported, to comply with this new regulation.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. Adopts the attached *Policy for the Distribution of Event Tickets*, and directs the City Manager to implement such Policy.

SECTION 2. The City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on December 1, 2009.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 1st day of December, 2009, by the following vote:

Ayes: Councilmembers Cook-Kallio, McGovern, Sullivan, Thorne
Noes: None
Absent: Mayor Hosterman
Abstain: None



APPROVED AS TO FORM:



Michael H. Roush, City Attorney



POLICY FOR DISTRIBUTION OF EVENT TICKETS

Section A. Purpose of Policy

The purpose of this Policy is to ensure that any ticket or pass provided to the City by any third party, or purchased or obtained directly by the City, shall be distributed to City Officials by the City Manager in a manner that serves or promotes a public purpose of the City of Pleasanton, and is publicly reported so that interested persons can verify the proper use of City resources.

Tickets or passes not covered by this Policy remain subject to other applicable provisions of State law regarding disclosure as gifts, or reporting as income.

Section B. Definitions

For purposes of this Policy, the following words, terms and phrases shall have the following meanings:

1. "City Official" means any member, officer, employee or consultant of the City.
2. "Gift" means anything that is received by a City Official for which that City Official did not provide consideration of equal or greater value, or that represents a rebate or discount that is not provided in the regular course of business to members of the public without regard to official status.
3. "Immediate family" means the spouse and dependent children of a public official.
4. "Third party" means the source of any ticket or pass, other than the City.
5. "Ticket" or "pass" means any ticket, pass, etc. that provides right of admission to a facility, event, show, or performance for entertainment, amusement, recreation or other similar purpose.

Section C. Tickets and Passes Distribution Policy

All tickets and passes offered or provided to the City by a third party or purchased or otherwise obtained directly by the City, shall be subject to the following provisions:

1. The City shall not accept from any third party any ticket or pass that is specifically earmarked for use by a particular City Official whether by name or position, unless:
 - a. The ticket or pass is offered or provided to the City pursuant to the terms of a contract for use of City owned property.
 - b. The ticket or pass is offered or provided to the City as a result of an official City event that the City controls.
 - c. The ticket or pass is purchased by the City from the third party for full market value.

Section D. Legitimate Public Purposes

Any ticket or pass provided to a City Official by the City shall not constitute a gift if provided and used by the City Official for any of the following purposes:

1. Promotion of business activity, development, and/or redevelopment within the City.
2. Promotion of community resources and programs available to City residents including but not limited to those resources and programs involving charitable and non-profit organizations.
3. Promotion of City resources available to City residents.
4. Promotion of City-operated, sponsored or supported community programs.
5. Promotion of private facilities available for City residents' use including but not limited to those facilities involving charitable and non-profit organizations.
6. Promotion of City facilities available for City residents' use.
7. Promotion of City growth and development.

8. Promotion of City tourism on a local, state, national or worldwide scale.
9. Promotion of City recognition, visibility and/or profile on a local, state, national or worldwide scale.
10. Promotion of open government by City Official appearances, participation and/or availability at business and/or community events.
11. Promotion of the improvement of inter-governmental relations.
12. Attendance at events sponsored by other governmental agencies, industry groups and non-profit organizations for the purpose of meeting and conferring with other governmental officials or business representatives regarding issues of interest to, or affecting, the City.
13. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
14. Encouraging or rewarding significant academic, athletic, or public service achievements by City students, residents or businesses.
15. Recognizing contributions made to the City by former or current City Council members or other City employees.

Section E. Exemptions

The following tickets and passes shall be exempt from the provisions of this Policy:

1. A ticket or pass received by a City Official directly from a third party that the City Official uses to perform a ceremonial role or function on behalf of the City.
2. A ticket or pass received by a City Official from the City where both the City Official and the City treat and report the value of the ticket or pass as income consistent with applicable state and federal income tax laws and the ticket is reported as income pursuant to the provisions of this Policy.

Section F. Prohibition Against Transfer

A City Official who receives a ticket or pass pursuant to this Policy is prohibited from transferring or selling the ticket or pass to any other person, except to a member of the City Official's immediate family solely for their personal use.

Section G. Administration of Policy

1. The City Manager shall be responsible for administering this Policy.
 - a. The City Manager or his or her designee shall document in writing the receipt of all tickets and passes provided to the City by a third party.
 - b. Tickets and passes shall only be provided to City Officials by the City Manager or his or her designee for a legitimate public purpose of the City, as set forth in this Policy.
 - c. The City Manager or his or her designee shall decide, consistent with this Policy, which City Officials should be provided with a ticket or pass.
2. The City Clerk shall be responsible for making this Policy available on the City's website.
3. Within 30 days of distributing any ticket or pass pursuant to this Policy, the City Clerk or his or her designee shall cause to be posted on the City's website an FPPC Form 802 (or any successor form) regarding the use of the ticket or pass.

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Adopted on _____ by City Council Resolution No. _____

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**Tickets Provided by
Agency Report**

A Public Document

TICKETS PROVIDED BY
AGENCY REPORT

1. Agency Name		Date Stamp	California Form 802 For Official Use Only
Division, Department, or Region (if applicable)			
Street Address			
Area Code/Phone Number	E-mail	<input type="checkbox"/> Amendment (Must explain in Part 5.) Date of Original Filing: _____ (month, day, year)	
Agency Contact (name and title)			

2. Event For Which Tickets Were Distributed

Date(s) of Event: ____/____/____ Description of Event: _____
____/____/____ Face Value of Ticket: \$ _____

Agency Event ☐ Yes ☐ No (Identify source of tickets below.)

Name of Outside Source of Ticket(s) Provided to Agency: _____

Number of Tickets Received: _____ Ticket(s) Provided to Agency: ☐ Gratuitously ☐ Pursuant to Contract

3. Agency Official(s) Receiving Ticket(s) (use a continuation sheet for additional names)

Name of Official (Last, First)	Number of Tickets	State Whether the Distribution is Income to the Official or Describe the Public Purpose for the Distribution

4. Individual or Organization Receiving Ticket(s) (Provided at the behest of an agency official.)

Name of Behesting Agency Official: _____

Name of Individual or Organization: _____ Number of Tickets: _____

Description of Organization: _____

Address of Organization: _____
Number and Street City State Zip Code

Purpose for Distribution: (Describe the public purpose for the distribution to the organization.)

5. Verification

I have determined that the distribution of tickets set forth above is in accordance with the provisions of FPPC Regulation 18944.1.

Signature of Agency Head or Designee	Print Name	Title	(month, day, year)
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Comment: (Use this space or an attachment for any additional information including amendment explanation.)

